

MINUTES, REGULAR MEETING  
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA  
SEPTEMBER 28, 2015

Pursuant to due call and notice thereof, the second meeting of the City Council of the City of La Crescent for the month of September was called to order by Mayor Mike Poellinger at 5:30 PM in the La Crescent City Hall, La Crescent, Minnesota, on Monday, September 28, 2015, followed by the Pledge of Allegiance.

Upon a roll call taken and tallied by the City Administrator, the following members were present: Members Bernie Buehler, Ryan Hutchinson, Brian Krenz, Dale Williams and Mayor Mike Poellinger. Members absent: None. Also present was City Administrator Bill Waller and City Attorney Skip Wieser.

Mayor Poellinger asked if anyone wished to take action to change the agenda as presented. It was requested to add #3.13 – Mighty Ducks Grant Resolution. Member Buehler made a motion, seconded by Member Krenz, as follows:

**A MOTION TO APPROVE AFOREMENTIONED ADDITION TO THE PRINTED AGENDA**

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

**ITEM 1 – CONSENT AGENDA**

At this time, the Mayor read the following items, including additional bills, to be considered as part of the Consent Agenda for this regular meeting:

- 1.1 MINUTES – SEPTEMBER 14, 2015
- 1.2 MINUTES – SEPTEMBER 22, 2015
- 1.3 BILLS PAYABLE THROUGH SEPTEMBER 23, 2015

At the conclusion of the reading of the Consent Agenda, Mayor Poellinger asked if the Council wished to have any of the items removed from the Consent Agenda for further discussion. Member Krenz made a motion, seconded by Member Hutchinson, as follows:

**A MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED.**

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

### **ITEM 3.1 – AGENDA REQUEST – CROSS/STAR**

City Council reviewed agenda requests from Mary Ludwig, Robin Bolyard and Kim Czechowicz regarding the display of the cross and star on public property. Ms. Ludwig presented a petition with 3,275 signatures in favor of keeping the star. All parties spoke in favor of keeping the star and cross. No action was taken.

### **ITEM 3.2 – CITY ATTORNEY – CROSS/STAR REVIEW/UPDATE**

City Attorney Wieser reviewed with City Council various correspondences received regarding the star/cross issue, including a correspondence from the La Crescent Lions Club, and the alternatives. It was recommended to Council to continue to have the subcommittee meet with the Lions Club and extend the time with the Lions Club to review the options. Following discussion, Member Buehler made a motion, seconded by Member Hutchinson, as follows:

### **MOTION TO CONTINUE TO HAVE THE SUBCOMMITTEE MEET WITH THE LIONS CLUB AND EXTEND THE TIME WITH THE LIONS CLUB TO REVIEW THE OPTIONS REGARDING THE DISPLAY OF THE STAR/CROSS.**

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

### **ITEM 3.3 – LISTENING SESSION/HEARING REQUEST – CROSS/STAR**

City Council reviewed a request to call for a Special City Council Meeting for public comment regarding the cross/star issue. It was recommended to City Council to call for a Special City Council Meeting on Tuesday, October 13, 2015 at 5:00 p.m. at the Community Building for the purpose of public comment regarding the star/cross issue and to approve City Staff to develop a procedure for this meeting. Following discussion, Member Krenz made a motion, seconded by Member Hutchinson, as follows:

**MOTION TO CALL FOR A SPECIAL CITY COUNCIL MEETING ON TUESDAY, OCTOBER 13, 2015 AT 5:00 P.M. AT THE COMMUNITY BUILDING FOR THE PURPOSE OF PUBLIC COMMENT REGARDING THE STAR/CROSS ISSUE AND TO APPROVE CITY STAFF TO DEVELOP A PROCEDURE FOR THIS MEETING.**

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

**ITEM 3.4 – EVENT CENTER SITE PLAN**

Dick Wieser reviewed with City Council the proposed site plans regarding the development of an event center and motel on the American Legion property and a portion of Veteran's Park. This included expanding parking into the park area. Following discussion, it was the consensus of City Council to approve the concept and express support subject to the approval of final plans by the City. No action taken.

**ITEM 3.5 – PARADE REQUEST**

City Council reviewed a request from Chief Douglas Stavenau of the La Crescent Police Department for the La Crescent School District to have a Homecoming Parade on October 2, 2015 with approximately 12 parade float type vehicles. The parade would start at the La Crescent Middle School parking lot at approximately 12:40 p.m. and would travel north on Lancer to South 11<sup>th</sup> Street, north on Elm Street and then circle the Elementary School building returning to the High School parking lot by the same route. The La Crescent Police Department would provide assistance by marking the front and rear of the assemble with marked squad cars and emergency lights. Following discussion, Member Buehler made a motion, seconded by Member Hutchinson, as follows:

**MOTION TO APPROVE THE ROUTE FOR THE LA CRESCENT SCHOOL DISTRICT HOMECOMING PARADE ON OCTOBER 2, 2015 AT 12:40 P.M. AND TO HAVE THE LA CRESCENT POLICE DEPARTMENT PROVIDE ASSISTANCE BY MARKING THE FRONT AND REAR OF THE ASSEMBLE WITH MARKED SQUAD CARS AND EMERGENCY LIGHTS.**

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

### **ITEM 3.6 – AUTHORIZE CAPITAL EQUIPMENT EXPENDITURE**

City Administrator Waller gave an overview to City Council regarding the replacement of the City's 1990 front end loader which was included in the 2013 capital equipment certificate for \$152,000. The Minnesota Department of Transportation Maintenance Equipment Contract has two options available. It was recommended to City Council to authorize the purchase of the Case 621F from Titan Machinery in the amount of \$132,390. The price includes the trade in of the City's current 1990 loader. With the balance of the funds that were allocated for this purchase, City Council was asked to consider the purchase of a new vehicle that would be used by the City's Building Official. The Building Official is currently using a 2010 Dodge Charger that was first used by the La Crescent Police Department. The Building Official, Shawn Wetterlin, is also the Fire Marshal for the La Crescent Police Department and responds to Fire Department calls during the day. As proposed, the vehicle would be outfitted with the equipment required to respond to first responder calls. If this is agreeable, a recommendation would be presented at a future City Council meeting. Following discussion, Member Williams made a motion, seconded by Member Buehler, as follows:

#### **MOTION TO AUTHORIZE THE PURCHASE OF A CASE 621F FROM TITAN MACHINERY IN THE AMOUNT OF \$132,390 WITH FUNDS FROM THE 2013 CAPITAL EQUIPMENT CERTIFICATE.**

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

Member Buehler made a motion, seconded by Member Krenz, as follows:

#### **MOTION TO AUTHORIZE CITY STAFF TO BRING BACK A RECOMMENDATION TO REPLACE THE VEHICLE USED BY THE CITY BUILDING OFFICIAL.**

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

### **ITEM 3.7 – ANNEXATION RECOMMENDATION**

City Attorney Wieser reviewed with City Council the proposed annexation of two properties on N. 4<sup>th</sup> Street in La Crescent Township. The property at 745 N. 4<sup>th</sup> Street is believed to be considered a hazardous building pursuant to Minnesota State Law. Since the property is currently not within the corporate limits, the City has no jurisdiction over the matter. If the property is annexed, the City would then consider bringing remedial action so the building is no longer hazardous. The purpose of the annexation would be for improvement of the N. 4<sup>th</sup> Street boundary, along with complete ownership of N. 4<sup>th</sup> Street in the event the City desires to widen the street or otherwise improve the street for additional parking. Since the properties abut the City on N. 4<sup>th</sup> Street, it was recommended to City Council to adopt a Resolution and serve a Notice of Intent. At the first meeting in October, City Council will be presented with an annexation update regarding the recent annexation request on Old Hickory Lane. Following discussion, Member Krenz introduced the following resolution and moved its passage and adoption:

#### **RESOLUTION NO. 09-15-23**

#### **RESOLUTION FOR ANNEXATION PROCEEDINGS**

WHEREAS, on September 28, 2015 the City Council for the City of La Crescent viewed a map regarding annexation of unincorporated areas outside of the City limits at 745 and 749 N. 4<sup>th</sup> Street, La Crescent, Minnesota;

WHEREAS, on September 28, 2015, the City Council for the City of La Crescent authorized the City Administrator and City Attorney to move forward and commence an annexation proceeding for these properties; and

WHEREAS, the City Council for the City of La Crescent finds that it is in the best interest of the City to move forward with said annexation.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of La Crescent hereby approves the following:

1. That the Petition for Annexing Unincorporated Property by Chief Administrative Law Judge's Order in the Matter of the Petition of the City of La Crescent for Annexation of Unincorporated Abutting Property to the City of La Crescent, Minnesota Pursuant to Minnesota Statutes § 414.031, attached hereto, is hereby approved by the City Council.

2. Upon the expiration of the 30 day Notice of Intent, the City Administrator and City Attorney are hereby authorized to file the Petition for Annexation with the Office of Administrative Hearings, Municipal Boundary Adjustment Unit and to do all other things ancillary thereto to continue the annexation process.

ADOPTED this 28<sup>th</sup> day September, 2015.

SIGNED:

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Mayor

ATTEST:

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City Administrator

The foregoing motion was duly seconded by Member Williams and upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried and the resolution duly passed and adopted.

### **ITEM 3.8 – ON-SALE LIQUOR LICENSE APPLICATION**

City Council reviewed an on sale 3.2 liquor license application from the La Crescent Fireman's Relief Association for their annual Fireman's Dance on October 10, 2015. City Administrator Waller stated the application appears to be in order and recommended approval. Following discussion, Member Krenz made a motion, seconded by Member Hutchinson, as follows:

### **MOTION TO APPROVE THE ON SALE 3.2 LIQUOR LICENSE APPLICATION FROM THE LA CRESCENT FIREMAN'S RELIEF ASSOCIATION FOR THE FIREMAN'S DANCE ON OCTOBER 10, 2015.**

Upon a roll call vote taken and tallied by the City Administrator, the following Members present voted in favor thereof, viz;

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

### **ITEM 3.9 – GAMBLING PERMIT APPLICATION**

City Council reviewed a gambling permit application from the La Crescent Fireman's Relief Association for a one day event to be held October 10, 2015 at the Fire Station. City Administrator Waller stated the application appears to be in order and recommended approval and authorize that it be forwarded to the Gambling Control Board. Following discussion, Member Williams made a motion, seconded by Member Krenz, as follows:

**MOTION TO APPROVE A GAMBLING PERMIT APPLICATION FROM THE LA CRESCENT FIREMAN’S RELIEF ASSOCIATION FOR A ONE DAY EVENT TO BE HELD OCTOBER 10, 2015 AT THE FIRE STATION AND AUTHORIZE THAT IT BE FORWARDED TO THE GAMBLING CONTROL BOARD.**

Upon a roll call vote taken and tallied by the City Administrator, the following Members present voted in favor thereof, viz;

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

**ITEM 3.10 – GAS INSTALLERS LICENSE APPLICATION**

City Council reviewed a gas installer license application from Patrick Murphy. The application appears to be in order and it is recommended the City Council approve the license application as presented. Following discussion, Member Buehler made a motion, seconded by Member Hutchinson, as follows:

**MOTION TO APPROVE THE GAS INSTALLER LICENSE APPLICATION FROM PATRICK MURPHY.**

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

**ITEM 3.11 – ACCEPT DONATIONS – ENTRANCE SIGN**

City Council reviewed correspondences regarding donations for the community entrance sign from the Rotary Club of La Crescent in the amount of \$3,500.00 and the La Crescent Chamber of Commerce in the amount of \$3,000.00. Following discussion, Member Buehler introduced the following resolution and moved its passage and adoption:

**RESOLUTION NO. 09-15-24**

**RESOLUTION ACCEPTING DONATIONS FOR THE COMMUNITY ENTRANCE SIGN FROM THE ROTARY CLUB OF LA CRESCENT AND THE LA CRESCENT CHAMBER OF COMMERCE**

WHEREAS, the Rotary Club of La Crescent wishes to donate \$3,500.00 to the City of La Crescent for the community entrance sign; and

WHEREAS, the La Crescent Chamber of Commerce wishes to donate \$3,000.00 to the City of La Crescent for the community entrance sign.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of La Crescent hereby approves the donations for the community entrance sign from the Rotary Club of La Crescent in the amount of \$3,500.00 and the La Crescent Chamber of Commerce in the amount of \$3,000.00.

ADOPTED this 28<sup>th</sup> day of September, 2015.

SIGNED:

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Mayor

ATTEST:

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City Administrator

The foregoing motion was duly seconded by Member Krenz and upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried and the resolution duly passed and adopted.

### **ITEM 3.12 – 2016 GENERAL FUND BUDGET/LEVY**

City Administrator Waller gave an extensive overview to City Council and explained the process for the proposed 2016 general fund budget and the proposed Resolution that sets the preliminary levy. Following discussion, Member Williams introduced the following resolution and moved its passage and adoption:

#### **RESOLUTION 09-15-25**

#### **RESOLUTION MAKING FINAL GENERAL LEVIES FOR COLLECTION WITH REAL ESTATE TAXES PAYABLE IN THE CALENDAR YEAR 2016**

BE IT RESOLVED by the City Council of the City of La Crescent, Minnesota as follows:

1. It is hereby determined and declared that there shall be and there is hereby levied upon all taxable property within the City for the general purposes of the City, as provided by law, to be collected in the year 2016 as part of the general taxes due and payable in the year 2016 a direct ad valorem tax in the amount of \$1,744,650.00 as provided by State law to be levied and collected in the manner provided by law.
2. Be it also hereby determined and declared that there shall be and there is hereby levied upon taxable property within the City of La Crescent for public library service, a tax in the amount of \$129,035.00 to be collected in the year 2016, as authorized by Minnesota Statutes, Section 134.33 and 134.34.
3. It is hereby found, determined, and declared that the amounts set forth in a column at the right to be levied with taxes to be collected in the calendar year 2016, in conjunction with the various bonds issued and sinking funds described below:

FUND #	YEAR	DESCRIPTION	TO BE LEVIED FOR COLLECTION IN CALENDAR YEAR 2016
101	2012	Tax Abatement	\$7,200.00
325	2011B	G.O. Recreational Facility Bonds	\$213,530.00
322	2009A	G.O. Refunding Bonds	\$107,816.00
324	2011A	G.O. Improvement Bonds	\$34,000.00
326	2013A	G.O. Equipment Certificate	\$145,000.00
		TOTAL DEBT SERVICE LEVY	<b>\$507,546.00</b>

4. Total levy for the City of La Crescent for collection in 2016 is \$2,381,231.00.

ADOPTED this 28<sup>th</sup> day of September, 2015.

SIGNED:

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Mayor

ATTEST:

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City Administrator

The foregoing motion was duly seconded by Member Buehler and upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried and the resolution duly passed and adopted.

### **ITEM 3.13 – MIGHTY DUCKS GRANT RESOLUTION**

City Administrator Waller gave an overview to City Council regarding the Mighty Ducks Grant application to replace the dehumidifier at the Ice Arena and the proposed Resolution. Following discussion, Member Krenz introduced the following resolution and moved its passage and adoption:

#### **RESOLUTION 09-15-25**

#### **RESOLUTION OF LGU MIGHTY DUCKS GRANT APPLICATION**

WHEREAS, the Minnesota Amateur Sports Commission (MASC), via the State General Fund, provides for general funds to assist political subdivisions of the State of Minnesota for the fulfillment of the purpose and goals of the Mighty Ducks Grant Program, and

WHEREAS, the City of La Crescent desires to complete its project named City of La Crescent Ice Arena Project at the La Crescent Community Ice Arena located at 520 S 14<sup>th</sup> Street La Crescent MN 55947.

#### **RESOLVED:**

- 1) That the total cost of completing the project shall be \$60,586.00 and City of La Crescent is requesting \$30,293.00 from the Mighty Ducks Grant Program and will assume responsibility for a matching contribution of \$30,293.00.
- 2) The City of La Crescent agrees to own, assume 100 percent operational costs for the facility, and will operate the facility for its intended purpose for the functional life of the facility which is estimated to be 30 years.
- 3) The City of La Crescent agrees to enter into necessary and required agreements with the MASC for the specific purpose of completing the project.
- 4) That a request for reimbursement be made to the MASC for the amount awarded after the completion of the project.
- 5) That Bill Waller and/or City of La Crescent is authorized and directed to execute said application and serve as the official liaison with the MASC.

ADOPTED this 28<sup>th</sup> day September, 2015.

SIGNED:

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Mayor

ATTEST:

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City Administrator

The foregoing motion was duly seconded by Member Hutchinson and upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried and the resolution duly passed and adopted.

**ITEM 6.1 – STAFF CORRESPONDENCE/COMMITTEE UPDATES – FIRE DEPARTMENT OPEN HOUSE**

City Council reviewed a flyer from the La Crescent Fire Department regarding their Open House on October 5, 2015. No action taken.

**ITEM 7.1 – CORRESPONDENCE – CROSS/STAR PETITIONS**

City Council reviewed the executed Petition regarding the opposition to the cross/star removal. No action taken.

**ITEM 8 – CHAMBER OF COMMERCE**

Eileen Krenz of the La Crescent Chamber of Commerce invited City Council to the Dinner at the Depot event at Joe Ready's Farm to be held Saturday, October 2, 2015.

There being no further business to come before the Council at this time, Member Krenz made a motion, seconded by Member Hutchinson, to adjourn the meeting. Upon a roll call vote taken and tallied by the City Attorney, all Members voted in favor thereof, viz;

Bernie Buehler	Yes
Ryan Hutchinson	Yes
Brian Krenz	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried and the meeting duly recessed at 6:55 PM.

APPROVAL DATE: \_\_\_\_\_

SIGNED:

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Mayor

ATTEST:

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City Administrator